

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re
MOTORS LIQUIDATION COMPANY
f/k/a GENERAL MOTORS CORP. et al

Debtors.

Chapt. 11

Case #2009-50026-REG
(Jointly Administered)
Judge Robert E. Gerber
Birdsalls' Claim # 43090
(also given claim # 7618,
65890, # 7617 and
#58954)

MOTION FOR ADMISSION TO PRACTICE IN THE U.S.
BANKRUPTCY COURT, SOUTHERN DISTRICT OF N.Y, PRO HAC
VICE

The attorney for creditors, Richard Birdsall and Elise Birdsall, by and through Edward S. Donini, Esq., hereby request the above relief of the Court and, in support, submit the following facts, law and documents:

1. I, Edward S. Donini, am a member in good standing of the Bar of Florida and of the Federal Middle District Court of Florida. I have never had an ethics proceeding and I have never committed malpractice. I have never been held in contempt by any judge. Prior to moving to Florida, from New Jersey, in 1998, I practiced law in New Jersey, from June 12, 1978 through Aug. of 1998. In 2007, I resigned from the New Jersey Bar for the mere purpose of avoiding the annual bar dues. I was also certain, at that time, that I was not going to return to New Jersey to practice.

2. At the time I practiced law in New Jersey, I also represented clients in Pennsylvania and New York. I was admitted, pro hac vice, in the Superior Court of New York and handled part of the class action suit Tully v. Prudential Ins. Co., in 1994. I also successfully represented plaintiffs in the Dalkon Shield cases, In re A.H. Robins Co., Inc. U.S. Bankruptcy Court, Eastern District of Virginia, case # 85-01307-R.
3. My physical address remains 610 Dunlawton Ave., Ste. 2, Port Orange, FL 32127. My mailing address is P.O. Box 605, New Smyrna Beach, FL 32170, and I request that all correspondences continue to be mailed to that P.O. Box. My email address remains LM7ed@aol.com, and my telephone number is (386) 760-1941.
4. I am ready, willing and able to pay the fee, of \$25.00, upon entry of the Court's Order admitting me to practice pro hac vice.
5. As a result of the product defects in the 2000 Oldsmobile Intrigue, driven by my client on the date of this accident, Jan. 31, 2007, Richard Birdsall has sustained numerous operative procedures and loss of sight.
6. My office and this attorney are familiar with the practice and procedures involved with and related to the practice of electronic filing, having been engaged in such activities on an ongoing basis pursuant to my membership in the Federal Bar, Middle District of Florida. I am familiar

with Federal Rule of Civil Procedure # 11, Federal Rule of Bankruptcy Procedure 9011 and Local Rule of Bankruptcy Procedure 9011-1.

7. On July 14, 2009, this attorney applied for a password and a login with the United States Bankruptcy Court Southern District of New York electronic case filing system. My login and password were thereafter issued. I have attempted to file various documents in this case and have been unable to do so. On the website, my name is not listed as an attorney. My clients' claims had been proceeding, with them as plaintiffs, against General Motors, in The U.S. District Court, Middle District of Florida, under case # 3:08-CV-743-J-25JRK at the time General Motors filed for bankruptcy. In order to protect the interests of my clients, and the serious injuries suffered by Richard Birdsall, it is necessary that I be admitted and be able to participate in these proceedings as a litigant. Find attached hereto, as Ex. A., the Notice of Appearance which this attorney filed with the Court and all parties on July 13, 2009. I cannot find said Notice of Appearance on the website and it is requested that same be, re-filed today, with this motion.
8. The Notices of Claim of Richard Birdsall and Elise Birdsall were respectively completed, filed and served on Oct. 7, 2009.

9. On or about May 6, 2010, the debtor filed a Motion To Object to certain claims, including the claims of Mr. and Mrs. Birdsall. In said motion, the filing date for the Birdsalls is incorrectly stated as Nov. 27, 2009. This attorney must file an objection with the Court to said Motion by June 22, 2010. Therefore, it is respectfully requested that the Court act with all haste in granting this motion. A proposed order is attached.
10. It is requested that this motion be granted without a hearing, as the above facts and documents show that the undersigned is an attorney in good standing and satisfies the grounds for pro hac vice admission. In re Evans, 524 F.2d 1004(5th Cir. 1975).

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that the original of this Motion has been served upon Vito Genna, Clerk of the U.S. Bankruptcy Court, Southern Dist. of New York, One Bowling Green, New York City, N.Y. 10004, electronically, and that copies were served upon all the below-listed parties by fax and first class mail, June 10, 2010.

1. The Garden City Group, Inc., ATTN: Motors Liquidation Co. Claims Processing, 5151 Blazer Parkway, Suite A., Dublin, Ohio, 43017;
2. Attorneys for the Debtor, Weil, Gotshal & Manges, Esqs., 767 Fifth Ave., New York City, NY 10153, Fax # 212-310-8007;
3. Office of the U.S. Trustee, Assistant Trustee Brian Masumoto, Esq., 33 Whitehall Street, 21st Floor, New York City, NY 10004, Fax # 212-668-2255;

4. Attorneys for the Committee of Unsecured Creditors, Kramer, Levin, Esqs., 1177 Avenue of the Americas, New York City, NY 10036, Fax # 212-715-8000.

Edward S. Donini

EDWARD S. DONINI, ESQ.

Fla. Bar # 0984787

P.O. Box 605

New Smyrna Bch., FL 32170

Tel.: (386) 760-1941

Attorney for Creditors, Richard & Elise Birdsall

June 10, 2010

DATE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

GENERAL MOTORS
CORPORATION, *et al.*,

Debtors.

Chapter 11

Case #2009-50026-REG
(Jointly Administered)
Judge Robert E. Gerber

NOTICE OF APPEARANCE OF ATTORNEY FOR CREDITORS
RICHARD E. BIRDSALL AND ELISE M. BIRDSALL

TO: Vito Genna, Clerk of the Bankruptcy Court
Southern District of New York
One Bowling Green
New York City, NY 10004

1. NOTICE IS HEREBY GIVEN that the undersigned counsel continues to represent the above named creditors in their claims for personal injuries against General Motors Corporation and that all papers and notices should be served upon the undersigned attorney, as the representative of Richard E. Birdsall and Elise M. Birdsall.
2. The claims of the Birdsalls had been proceeding in the U.S. District Court, Middle District of Florida, under case number 3:08-CV-743-J-25JRK, with a trial date set for January 4, 2010. On June 29, 2009, the Honorable Henry Lee Adams, Jr., Judge of the U.S. District Court,

Middle District of Florida, issued an Order staying all proceedings in said litigation pursuant to 11 U.S.C.A. 362.

3. These claims arose from the serious injuries sustained by Richard E. Birdsall on January 31, 2007. On said date, Mr. Birdsall was the owner and operator of the year 2000 Oldsmobile Intrigue, which was being lawfully operated on Route 95 North in Florida. At that date and time, the defective roof molding bent backwards smashing through the rear window of the vehicle sending particles of glass throughout the vehicle and into the eyes of Richard E. Birdsall. In addition to the claim for the defective roof molding, the lawsuit is also based upon the fact that the said vehicle was not equipped with the shatterproof laminated glass, but was equipped with the defective and dangerous tempered glass, even though laminated glass was available. The said accident caused operative procedures to be performed upon Richard E. Birdsall, to remove glass from his eyes, and the sustaining of permanent injuries including partial loss of sight.
4. The undersigned attorney has probable cause to believe that this claim is currently located on the Bankruptcy Court mailing matrix, as a result of the fact that the schedule A and Notice of Sale of Assets, dated June 2, 2009, were received at the office of the undersigned attorney.

5. Because of the seriousness of this claim and the substantial nature of the injuries of Richard E. Birdsall, an individual claim number is hereby requested.

I HEREBY CERTIFY that this Notice of Appearance has been served upon the Clerk of the U.S. Bankruptcy Court, Southern District of New York, and all the below-listed parties by electronic filing, by fax and also by mail today, July 13, 2009.

1. Vito Genna, Clerk of the U.S. Bankruptcy Court, Southern District of New York, One Bowling Green, New York City, NY 10004;
2. Attorneys for the Debtor, Harvey R. Miller, Esq., Weil, Gotshal & Manges, Esqs., 767 Fifth Ave., New York City, NY 10153, Fax # 212-310-8007;
3. Office of the U.S. Trustee, Diana Goldberg Adams, Assistant Trustee Brian Masumoto, Esq., 33 Whitehall Street, 21st Floor, New York City, NY 10004, Fax # 212-668-2255;
4. The Attorneys for the Committee of Creditors, Kramer, Levin, Esqs., 1177 Avenue of the Americas, New York City, NY 10036. Fax # 212-715-8000.

s/Edward S. Donini, Esq.

July 13, 2009

EDWARD S. DONINI, ESQ.

Fla. Bar # 0984787

P.O. Box 605

New Smyrna Bch., FL 32170

Telephone: (386) 760-1941

Attorney for Creditors, Richard
And Elise Birdsall

DATE